

Remarks

Applicants have cancelled claims 1- 48 without prejudice to their rights to pursue the subject matter of these claims in other applications. Applicants have added new claims 49 to 58 which redirect the subject matter of the invention towards a single selected gene to diagnose bladder cancer. As discussed with the Examiner, Applicants have thus shifted the current invention from the disease obesity to bladder cancer. Applicants believe that the newly added claims are examinable without further restriction. Applicants thus respectfully request the Examiner accept the newly amended claims.

Applicant's have also amended the title of the pending application to more accurately reflect the subject matter of the newly amended claims.

Claims 49- 58 are pending. Support for the newly added claims is found through the specification and in the originally filed claims. In particular, support for the gene ADAM metallopeptidase domain 9 (meltrin gamma) (ADAM9) is noted in Table 3J under the RNA accession number NM_003816.1 with a p value of 1.26E-040 and in Table 3K under the RNA accession number NM_003816.1 with a p value of 6.6E-040. Further support is found in Example 19 and Example 20, and in Figures 17 and 18. No new matter has been added.

In response to the Restriction Requirement dated August 30, 2006, Applicants elect **Group I** and have elected a single combination of "one or more" markers from the tables relevant to the detection of bladder cancer, namely Table 3J and Table 3K.

As noted, the Applicant has elected the selection of the biomarker ADAM metallopeptidase domain 9 (meltrin gamma) (ADAM9) which is found in both Table 3J and Table 3K.

A petition for extension of time is attached. However, should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 04-1105, Reference No. 204231/2055G.

Respectfully submitted,

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Amy DeCloux for
Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Edwards Angell Palmer & Dodge LLP

P.O. Box 55874

Boston, MA 02205

Tel: 617-239-0100